

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 3, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz.

Marc Carmichael, Connie Vickery, Mark Webb, Debbie Scott, Nicole Upano and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the February 17, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the March 3, 2009 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Two hundred ninety-six (296) renewals approved, forty-two (42) new and/or transfer permits approved, seven (7) permits approved for catering, five (5) permits approved for first year escrow, two (2) permits approved for second year escrow, four (4) permits approved for third year escrow and two (2) permits approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR68-04534 SCHULTZ, INC. - Chairman Huskey noted this is a type 210 renewal with the local board voting four (4) to zero (0) to approve for one year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal for one year. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR29-22131 SWEET REALTY CORPORATION – Chairman Huskey noted this is a type 210 renewal with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR29-22132 CLOVER INVESTMENTS, LLC – Chairman Huskey noted this is a type 210 renewal with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL72-25269 FKG OIL COMPANY, D/B/A MOTO MART – Chairman Huskey noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR47-04096 SHARON BARRETT – Chairman Huskey noted this is a type 210 transfer of ownership and location with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfers. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-24033 MAC'S CONVENIENCE STORES, LLC, D/B/A CIRCLE K #2294 – Chairman Huskey noted this is a new type 116 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL30-25655 HOOK-SUPERX, LLC – Commissioner Guthrie moved to remand this application to the local board due to improper advertising of the initial local board meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR54-13055 PLAZA LANED II, LLC, D/B/A CRASH MCLAIN'S PUB & EATERY – Commissioner Guthrie moved to remand this application to the local board due to improper placement of the orange sign. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

PERMITS MADE INACTIVE – Vice Chairman Johnson moved to make nine (9) permits inactive. All permits are not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR29-21443 D & B EQUITIES, INC. - Commissioner Guthrie moved to reactivate this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR29-21429 RFJ, INC. - Commissioner Guthrie moved to reactivate this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR79-00365 KNICKERBOCKER SALOON, INC. - Commissioner Guthrie moved to reactivate this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

PERMITS REVOKED – Commissioner Guthrie stated one (1) permittee was sent notice to appear before the Commission on this date, or the permit would be revoked. The permittee did not appear at the meeting.

Commissioner Guthrie moved to revoke the permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2009.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER